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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,246	04/25/2002	Bernd Hessing	10191/2071	8292
26646	7590	06/08/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,246

Applicant(s)

HESSING ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/05 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 20 - 26, 29 - 37, 39, and 44 - 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Shuman et al. (US 6,675,081 B2).

Regarding claims 20, 22, 23, 35, 50, and 54, Shuman teaches outputting data in a vehicle comprising connecting to a digital data bus a plurality of processing devices (212; figs. 2-3; col. 5, line 66 – col. 6, line 6 and col. 6, lines 64 – 67; col. 9, lines 12 – 16); causing a processing device of the plurality to generate and transmit the data on the bus to an output unit connected to the bus (col. 11, lines 28 – 35 at least); causing the output unit to receive and process the received data (col. 6, lines 48 – 51; col. 16, lines 36 – 39 and line 66 – col. 17, line 6 at least); Shuman further teaches outputting driving-information item generated by a navigation device (col. 1, lines 47 – 53; col. 2, lines 40 – 51; note limitations of claims 15 and 16 at least) and a terminal (interface 250).

Regarding claim 21, Shuman's data include vehicle data (as provided by item 204) and driving-information items (item 210; see figs. 4 and 5 at least).

Regarding claim 24, Shuman teaches information including driving instructions (as to road surface and the need to adjust speed accordingly along with route calculation; note col. 22, lines 24 – 38 at least).

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Regarding claim 25, Shuman further teaches displaying a route map (road network 13) – note col. 17, lines 28 – 32.

Regarding claims 26, 29, 36, and 58, Shuman further teaches ascertaining vehicle position (col. 12, lines 36 – 54 and col. 13, lines 33 – 54 at least); distance setting to output a distance value when the distance falls below a pre-selected value (using cruise control setting; note at least col. 17, lines 19 – 27).

Regarding claims 30 - 33, 37, 48, 53, 57, Shuman teaches causing the output unit to process graphics object (using CCD 202-6) stored in a memory (col. 31, lines 8 – 14), the output being through a loudspeaker (using item 251-12 for audio; fig. 14; col. 17, lines 28 – 30 at least).

Regarding claim 34, Shuman teaches requesting data transmission and outputting the data upon granting the transmission (col. 24, line 66 – col. 25, line 15 at least).

Regarding claim 39, Shuman teaches an input unit (interface 216 or 316; see fig. 5 or 8).

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Regarding claims 45 - 47, Shuman further teaches the plurality of devices includes a climate-control device (202-13) and a video camera (202-6; see fig. 4 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 28, 38, and 40 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman et al. ('081) as applied to claims 23 and 35, directly or indirectly.

As discussed above, Shuman teaches all of the limitations except for assigning a scale ranking of the driving information item, the bus corresponding to a MOST bus or a CAN bus, and situating the display in the center console of the vehicle and in front of the driver.

Shuman has been shown to teach prioritizing a list of requests (col. 24, line 66 – col. 25, line 16 at least), a digital bus and a display. Therefore, scaling the priority list, making the bus a MOST bus or a CAN and placing the display in the center console

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would have been obvious to one of ordinary skill in the art at the time of the invention as a matter of preference because Shuman's teaching performs equally well.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU
AU 3661
2005-06-03


YONEL BEAULIEU
PRIMARY EXAMINER